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EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in the Lok Sabha on 9th July, 2004:—

BILL NO. 8 OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2004.
2. After article 21 A of Constitution, the following article shall be inserted, namely:—
 - (1) All citizens shall have the right to security.
 - (2) Notwithstanding anything in this Constitution, the provision of this article shall not be suspended.
 - (3) Parliament may by law prescribe within a period of one year from enactment of this Constitution (amendment) Act, 2004 the manner in which social security shall be secured to the citizens.

*Explanation:—*In this article, in clause (1), "social security" means—

(i) provision of employment or unemployment allowance to an unemployed person from the age of thirty years till he gets gainful employment or attains the age of sixty years, whichever is earlier;

Short title.

Insertion of
new article
21B.

Right to
social
security.

(ii) old age pension and necessary assistance for a decent livelihood to such persons who have attained the age of sixty years and have no other source of income;

(iii) disablement allowance and other assistance to all disabled persons who have no other source of income; and

(iv) compulsory health insurance for all old aged and disabled persons.

3. Article 41 of the Constitution shall be omitted.

Omission of
article 41.

STATEMENT OF OBJECTS AND REASONS

Even more than fifty years after independence, the State has not secured to its citizens the rights envisaged under article 41 of the Constitution. There have been cases of death due to starvation, malnutrition, inadequate health care facilities, etc. in many parts of country. A large section of population is lacking basic facilities and lives below subsistence level. Social insecurities such as loss of employment, disability, old age and ill-health, etc. are to be addressed properly. Social security needs to be viewed as a basic/fundamental right rather than as a charity oriented intervention.

The term social security should consist of all types of measures, preventive, promotional and protective as the case may be. The term encompasses social insurance, social assistance, social protection, social safety net, etc.

It should be the duty of the State to provide social security to all citizens of the country. The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
June 7, 2004.

BASUDEB ACHARIA

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new article 21B in the Constitution, which makes the State responsible for providing social security to all the citizens. Thus, it would become the duty of the State to provide social security according to the needs of diverse sections of population.

The total overall financial burden due to implementation of obligations under the proposed provision would be shared between Central and State Governments in the ratio of seventy five and twenty five per cent, respectively.

At this stage, it is not possible to estimate the total financial implication in case this Bill is enacted and implemented. However, if the Bill is enacted and implemented approximate recurring expenditure of rupees five thousand crore from the Consolidated Fund of India per annum is likely to be involved.

A non-recurring expenditure to the tune of rupees five thousand crore is also likely to be involved from the Consolidated Fund of India.

BILL NO. 10 OF 2004

A Bill to repeal the Prevention of Terrorism Act, 2002.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Prevention of Terrorism (Repeal) Act, 2004.

(2) It extends to the whole of India.

2. The Prevention of Terrorism Act, 2002 is hereby repealed.

Repeal of the Prevention of Terrorism Act, 2002.
(Act No. 15 of 2002).

Savings.

3. Notwithstanding such repeal,—

(1) All offences committed under the repealed Act shall continue to be governed by the provisions of the repealed Act as if that Act had not been repealed; and

(2) Every Review Committee constituted under section 60 of the repealed Act shall continue to perform the functions in relation to the repealed Act as if that Act had not been repealed:

Provided that the Review Committee shall review all pending cases and issue necessary direction within a period of six months from the date of commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The Prevention of Terrorism Act, 2002 (POTA) is a draconian piece of legislation, which is a slur on our democracy. It was misused and high handedness perpetrated by those who are in power against their political adversaries with a view to instill fear among them and ultimately to harass them.

In the wake of unprecedeted opposition, unusual methods were adopted by the then Government to enact this undemocratic legislation, while there was no dearth of laws for prevention of terrorism.

The legislation did not succeed in achieving its end. Our Parliament was attacked by terrorists, while this legislation was already in force. Moreover, POTA is known for its misuse against political adversaries by those in power.

Hence this Bill.

NEW DELHI;
June 8, 2004,

C.K. CHANDRAPPAN

BILL No. 11 OF 2004

A Bill to provide for abolition of capital punishment in India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title.

Abolition of
capital
punishment.

1. This Act may be called the Abolition of Capital Punishment Act, 2004.

2. (1) Capital punishment is hereby abolished.

(2) Notwithstanding anything contained in the Indian Penal Code or any other law for the time being in force, the maximum punishment for any offence shall not be more than imprisonment for life.

48 of 1860.

STATEMENT OF OBJECTS AND REASONS

Capital punishment is barbarous and inhuman which goes against the ethos of a modern civilized society. The savage act of capital punishment raises the moral question whether the State has the right to take away someone's life.

That is why the United Nations has decided to appeal to States all over the world to do away with capital punishment. Many nations around the world have already heeded the UN appeal.

Someone who has committed the most brutal and heinous crime should not be treated as a person to be done away with. A civilized society should have an attitude of compassion, sympathy and rectification towards these criminals. Even a hardened criminal would think and rethink when the society helps him to change and allows him to live and work with them. A life sentence is sufficient for a person to repent and change his ways to become a good citizen again. The attempt of a civilized State should be to provide enough opportunity for its citizens to realize the wrong he has done and to rectify himself to be a good man and a good citizen.

Hence the Bill.

NEW DELHI;
June 8, 2004.

C.K. CHANDRAPPAN

BILL No. 9 OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title.

Amendment
of article
155.

1. This Act may be called the Constitution (Amendment) Act, 2004.

2. In article 155 of the Constitution, the following proviso shall be added at the end, namely:—

“Provided that the appointment of the Governor of State shall be subject to ratification by Parliament”.

STATEMENT OF OBJECTS AND REASONS

The post of the Governor is an important constitutional post, which bears great responsibility in regard to upholding of the values of our Constitution, especially in relation to the federal character of our Republic. The Governor holds key responsibility in nurturing and developing a healthy relation between the State and the Centre.

But it is unfortunate that, at times, the Governors are appointed with a view to "accommodating" some political heavyweights who are otherwise considered spent force. It is also becoming a "post retirement benefit" offer to senior Indian Administrative Services, Indian Foreign Services or top army officials by their political bosses. This degrades the status of the Office of Governor.

By making the appointment of Governors, subject to the ratification of Parliament, transparency and credibility would be ensured. It would also make the Governors accountable to the people.

Hence this Bill.

NEW DELHI;
June 7, 2004.

C.K. CHANDRAPPAN

BILL NO. 24 OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2004.
2. After article 16 of the Constitution, the following article shall be inserted, namely:—

“16A. There shall be equality of pay for equal work both for men and women in all spheres of work”.

3. In article 39 of the constitution, clause (d) shall be omitted.

Short title.

Insertion of
new article
16A.

Equal pay for
equal work.

Amendment
of article 39.

STATEMENT OF OBJECTS AND REASONS

Explaining the objectives of the Directive Principles of State Policy, article 37 of our Constitution says that the principles laid down in that Chapter should be considered "fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws".

More than five decades have passed since the Constitution was adopted. Still, the inequality between man and woman in the sphere of wage for equal work, remains as before. If it is left to itself there is hardly any hope that the situation will change in future. The average level of the consciousness of our common people has reached to that point that it will sympathise with this principle and support if statutory provisions are made for the implementation of it. The feelings and aspirations should be expressly incorporated in Chapter-III of the Constitution.

Hence this Bill for providing equality for men and women and for ensuring them equal pay for equal work.

NEW DELHI;
June 8, 2004.

C. K. CHANDRAPPAN

BILL NO. 23 OF 2004

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2004.

Amendment of the Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XVI-West Bengal, after entry 40, the following entry shall be added, namely:—

“41. Deswalli Majhees.”

STATEMENT OF OBJECTS AND REASONS

The tribe Deswalli Majhees are Santhal descendants. The tribe was recognised as such in the year 1921. In the year 1941, Deswalli Majhees were declared as 'Tribes' and after that in the year 1952 and 1955 they were accepted as 'Santhal Descendants' and thus got benefits and legitimate dues guaranteed by the Government of India. Things changed from the year 1961 onwards. The tribes were denied all the facilities meant for them and till today they have been suffering in many ways.

Therefore, to give them justice and in view of their economic, educational and social backwardness, it is proposed in the Bill that the Deswalli Majhees tribe be included in the list of Scheduled Tribes for the State of West Bengal.

The Bill seeks to achieve the above objective.

NEW DELHI;
June 10, 2004.

BASUDEB ACHARIA

BILL NO. 32 OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2004.

(2) After article 16 of the Constitution, the following article shall be inserted, namely:—

"(16A.) Nothing in this Constitution shall prevent the State from making any provision in the matter of employment in favour of persons belonging to Scheduled Castes and Scheduled Tribes in private enterprises.

Explanation:— In this article, (i) "private enterprise" means any private enterprise or organization whose annual turnover is not less than rupees ten crore per annum.

(ii) "provision" includes any incentive which may be given to a private enterprise by the Government to encourage them to employ persons belonging to Scheduled Castes and Scheduled Tribes.".

Short title.

Insertion of new article 16A.

Employment opportunities to persons belonging to Scheduled Castes and Scheduled Tribes in private sector.

STATEMENT OF OBJECTS AND REASONS

Over a period of time, private enterprises have not actively been pursuing their social responsibilities. These private enterprises owe some responsibility towards society and are supposed to carry out the same actively in the interest of general public and specially towards weaker sections of our society. The job opportunities in the private sector have increased manifold in the wake of liberalization of economy. In order to fulfil its social responsibility, the private sector should come forward to extend job opportunities to the persons belonging to Scheduled Castes and Scheduled Tribes.

It is necessary to make an amendment in the Constitution to enable the State to encourage private enterprises for providing employment to the persons belonging to Scheduled Castes and Scheduled Tribes in their establishments.

The Bill seeks to achieve the above objective.

NEW DELHI;
June 10, 2004.

BASUDEB ACHARIA

BILL No. 16 OF 2004

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2004.

**Amendment
of the
Schedule.**

2. In the Schedule to the Constitution (Scheduled Castes) order, 1950, in Part IX-Madhya Pradesh,

(a) in entry 14, the words, "Ramnami, Satnami, Surjyabansi" shall be omitted;

(b) after entry 45, the following entry shall be inserted, namely:—

"45A. Satnami, Ramnami, Surjyabansi".

STATEMENT OF OBJECTS AND REASONS

Indian society has many sects. one of these sects is 'Satnami' sect which has a glorious past. Sant Baba Guru Ghasidas ji was the founder of this sect. He protested against the evils prevalent in the society and laid emphasis on maintaining peace in the society. He struggled for elimination of all sorts of discrimination prevalent in the society. At present, there are about one crore and ten lakh followers of this sect. living in various parts of the country. The majority of the followers of the 'Satnami' sect. belong to Ramnami and Surjyabansi castes. They mainly reside in the States of Chhattisgarh and Madhya Pradesh. These castes have been included in the list of Scheduled Castes Order under Part IX-Madhya Pradesh in entry 14 alongwith other castes, although they are not related with these castes. The inclusion of these castes in one entry alongwith other castes has created a feeling of humiliation among them as they are the followers of a different sect. Therefore, the followers of Satnami sect. with the names like Satnami, Ramnami and Surjyabansi should be included in a separate entry '45A' in the list of Scheduled Castes and all the benefits presently being provided to these castes under the Constitution should also be continued. The Government of Chhattisgarh has also sent its proposals to the Central Government for placing these castes in a separate entry in the list of Scheduled Castes Order, 1950. The Bill accordingly seeks to amend the Constitution (Scheduled Castes) Order, 1950.

NEW DELHI;
June 11, 2004.

PUNNU LAL MOHALE

BILL No. 29 OF 2004

A Bill to provide for the abolition of child labour in hazardous employment and for matters connected therewith.

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Child Labour in Hazardous Employment Act, 2004.
- (2) It extends to the whole of India.
- (3) It shall come into force immediately.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'appropriate Government' means the Central Government or a State Government as the case may be;

(b) 'child' means a person who has not completed his fifteenth year of age;

(c) 'employer' means a person who engages a child in a hazardous job or employment or who has the ultimate control over the affairs of an establishment where work, hazardous in nature, is carried out;

(d) 'hazardous employment' means an employment or a job or occupation in an enterprise or an establishment or any place where the worker is exposed to hazards to life or such exposure which results in accident, chronic diseases, grievous hurt, depravity or degeneration of life including immoral or criminal acts and includes any other such establishment as specified in the Child Labour (Prohibition and Regulation) Act, 1986.

61 of 1986.

3. Child labour in any form in a hazardous employment is hereby abolished.

Abolition of child Labour in hazardous employment.

4. Whoever engages a child in any hazardous employment shall be punished with imprisonment for a term which shall not be less than five years or with fine which shall not be less than fifty thousand rupees :

Punishment.

Provided that if a child is engaged—

(i) in jobs involving any moral turpitude; or

(ii) in jobs having direct impact on the morality of the child; or

(iii) in begging:

Provided further that if a girl child is engaged in flesh trade:

such employer shall be punished with imprisonment for a term which shall not be less than ten years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees in case of an employer in flesh trade.

Punishment in case of not registering cases.

5. If any police officer responsible for registering cases for violation of provisions of this Act, refuses to register a case or otherwise aids or abets the commission of an offence under this Act, he shall be punished with imprisonment for a term which shall not be less than three years and with fine which shall not be less than twenty-five thousand rupees.

6. The appropriate Government shall publish a list of hazardous employments within its jurisdiction within six months of the coming into force of the Abolition of Child Labour Hazardous Employment Act, 2004.

Publication of lists of hazardous employments.

7. The provisions of this Act, or the rules made thereunder shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued thereunder, enacted for the prohibition and regulation of child labour.

Act to be in addition to, and not in derogation of any other law.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive

sessions, and if, before the expiry of this session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Article 24 of the Constitution prohibits the employment of children below 14 years of age in any factory or mine or in any other hazardous employment. Every child has a right against exploitation. The very fact that the child is kept away from school and is made to work for earning bread itself speaks that the child is being exploited. In a welfare State like ours, it is the duty of the Government to provide education to the children and ensure that they are not exploited in any manner.

The fact that a high percentage of our population continues to live below the poverty line explains the inevitability of huge work force comprising of children. The children are sent to work by the parents for earning the livelihood. In most of the cases the children are forced to work in jobs and employment which are hazardous in nature, including those involving moral turpitude and sexual abuse. Despite the constitutional provisions prohibiting employment of children in hazardous jobs, millions of children continue to work in fireworks and match factories, glass and bangle factories and carpet factories and mines, etc.

It is a matter of grave concern that children are forced into begging by their parents, guardians, gang leaders and others. Children are engaged in immoral and illegal activities. Several children are engaged as carriers of drugs by smugglers and others. Reports of minor girls finding their way into flesh trade are rampant.

An effort was made in the year 1986 to prohibit and regulate employment of children in hazardous jobs. However, 'hazardous employment' has not been defined till date. An attempt has been made to define hazardous employment as an employment which is hazardous not only physical in nature but also a threat to moral character and even life of children.

The 1986 Act has failed to provide any deterrent punishment for employment of children in hazardous jobs and as such the number of child workers in various hazardous jobs has continued to increase during the last ten years. The definition of what is called 'hazardous-job' is to be provided. The recently enacted Constitution (86th Amendment) Act, 2002 inserted, *inter alia*, a new article 21A in the Chapter on Fundamental Rights with a view to providing that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may by law, determine. However, in order to ensure proper implementation of this laudable Statute, it is necessary to free the children from the clutches of bonded and hazardous employment.

Therefore, it is proposed to make stringent provisions not only for employment of children in hazardous jobs but also in illegal and immoral activities.

Hence this Bill.

NEW DELHI;
June 21, 2004.

BACHI SINGH RAWAT

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of this Bill. Since the matters for which the rules will be made are matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 13 OF 2004

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 2004.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. (1) It shall be compulsory for every voter who is eligible to vote at an election to exercise his right to vote when called for by the Election Commission:

Provided that a voter may be exempted from exercising his right to vote—

(a) if he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

Short title,
extent and
commencement.

Compulsory
Voting.

(b) if the Election Commission or such other authority as may be empowered by the Election Commission, on receipt of a request either before or after the poll, from the voter, is satisfied that there are genuine and *bona fide* grounds for such exemption.

3. Any person, who fails to cast his vote shall be liable to—

Punishment.

(i) a fine of rupees one hundred, or one day's imprisonment or both in case of deliberate avoidance, or

(ii) forfeiture of his ration card; and

(iii) be rendered ineligible for contesting any election for a period of six years from the date of his conviction:

Provided that if such person is an employee of the Union Government or any public sector undertaking owned or controlled by Union Government, such person shall also be punished with—

(a) forfeiture of four days, salary; and

(b) delay in promotion for a period of one year.

4. Any person who despite of his illness or physical incapacity has exercised his right to vote at an election or any person who has exercised his right to vote at all elections held during a period of twenty years preceding the commencement of this Act without any break shall be—

Incentives for voting.

(i) given preference in jobs in the services under the Central Government;

(ii) given preference in admission of not more than two children dependent upon him to the institutions of higher technical education; and

(iii) given such other incentives, as the Central Government may by rules prescribe.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

A very sad feature of our democracy that is revealed at all elections is that the number of voters who actually cast their votes is far less than those eligible. The average number of votes polled is around 50 per cent. It is a glaring commentary on the responsibility of citizens that the fate of the country's democratic institutions has been left to be decided by about 50 per cent of the electorate. Since the trend of voting from time to time does not show any appreciable increase in the number of those who exercise their franchise, time has come to ensure that all the citizens exercise their sovereign right to choose their representatives, so that the elections may reflect the will of the whole electorate and not merely that of a part of it. The general elections to last few Lok Sabhas reveal that in a number of States the voting was less than 40 per cent and in a number of cases people had boycotted elections and thus did not vote deliberately.

With a view to increasing the voting percentage, the present Bill proposes to make it compulsory for every eligible voter to vote and to provide for exemption only in cases where the voter is physically incapacitated due to illness of serious nature or the voter has *bona fide* grounds to do so.

Since the provision is being made compulsory, punishment is also sought to be given to those who do not vote at elections. However, incentives are also proposed to be given to those persons who vote at elections despite illness or without any break at successive elections.

Hence this Bill.

NEW DELHI;
June 21, 2004.

BACHI SINGH RAWAT.

FINANCIAL MEMORANDUM

Clause 4 provides for incentives to those persons who cast their votes despite their incapacity or without break in all elections without break for a period of 20 years. This will involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees one crore is likely to be involved.

A non-recurring expenditure of about rupees two crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill which will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 12 OF 2004

A Bill to provide for declaration and investigation of assets held by Government servants employed in certain departments and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Government Servants (Declaration of Assets and Investigation) Act, 2004.

(2) It shall apply to Government servants holding posts or appointments under the Union Government or the Union Territory Administration.

Short title,
application
and
commencement.

Definitions

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "assets" includes all properties, movable and immovable, legal or benami, held by the Government servants or by their dependants, within the country and/or abroad;

(b) "Authority" means the Government Servants Assets Investigation Authority constituted under section 3;

(c) "dependants" includes spouse, parents, sons and unmarried daughters;

(d) "Government servants" means persons employed in Government departments specified in the Schedule to this Act and holding any post or appointment under the Union Government or the Union Territory Administration; and

(e) "prescribed" means prescribed by rules made under this Act.

3. (1) There shall be constituted an authority to be called the Government Servants Assets Investigation Authority.

(2) The Authority shall consist of such number of members not exceeding ten, chosen from different fields like finance, social welfare, education, etc., in such manner as may be prescribed.

(3) The Chairperson of the Authority shall be a retired Judge of the Supreme Court or of a High Court and shall be appointed by the President.

4. The Authority shall look into and investigate such cases of assets disproportionate to the known sources of his income held by a Government servant, on its own or otherwise.

5. (1) Every Government servant employed in Government Departments as specified in the Schedule shall, within a period of one month from the coming into force of this Act, declare the particulars of all the assets possessed by him and his dependants to the Authority, in such manner and form, as may be prescribed.

(2) Every Government servant shall, throughout the term of his office, submit annual return of the assets held or acquired by him and any of his dependants within one month of the beginning of the next financial year to the Authority.

6. A copy of the return filed by the Government servant and of the declaration made by him under section 4 shall be maintained by the Authority in a Register to which any member of the general public shall have access.

7. The Government servants found to be having assets disproportionate to the known sources of their income shall be subject to such disciplinary action, as may be prescribed.

8. The Central Government may by order add any other Department of the Government to the Schedule to this Act.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

(i) the manner in which members of the Authority shall be appointed;

Constitution of the Government Servants Assets Investigation Authority.

Function of authority.

Declaration of assets by Government servants.

Maintenance of a Register showing returns filed by Government servants.

Disciplinary action.

Provision for inclusion of other departments in the Schedule.

Power to make rules.

- (ii) the form in which declaration of assets shall be furnished;
- (iii) the manner in which the declaration shall be scrutinized;
- (iv) the procedure to be followed by the Authority for investigation of assets or a Government servant;
- (v) action to be taken in case declaration of assets furnished is false or investigation of assets leads to the fact that the Government servant has assets disproportionate to the known source of his income; and
- (vi) any other matter that is necessary to carry out the provisions of this Act.

THE SCHEDULE

[See sections 2 (d), 5(i) & 8]

1. Department of Revenue—Income-tax, Customs and Central Excise.
2. Department of Sale Tax.
3. Municipal Corporation.
4. Departments dealing with Public Utility Services like Water, Electricity, Civil Supplies, etc.
5. Department dealing with Housing.
6. Police.

STATEMENT OF OBJECTS AND REASONS

There has been a large scale corruption in certain departments of the Government dealing with Income-Tax, Customs and Central Excise, Housing, Water, Electricity, Law and Order as is evident from public outcry and reports in newspapers and electronic media. There are allegations that persons working in these departments despite having very meagre salary live in a very lavish style with all modern facilities. So far, there has been no initiative by the Government to look into the life-style of these persons and take action against them. It is a common fact that an ordinary man has to run from pillar to post to get his work done if he does not bribe the concerned persons. Everyday, there are reports in the newspapers and electronic media about the deep-rooted and wide-spread corruption in these Departments. This is also highlighted by articles and letters published in newspapers. It is high time that the Government took initiative to look into the high level of corruption in these Departments before the situation becomes explosive. The Bill seeks to achieve this purpose by providing a deterrent to the effect that assets of Government employees shall be subject to continuous scrutiny.

NEW DELHI;
June 21, 2004

BACHI SINGH RAWAT.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of an authority to be known as the Government Servants Assets Investigation Authority by the Central Government. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one crore per annum.

A non-recurring expenditure of about rupees five crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 30 OF 2004

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title
and
commencement

1. (1) This Act may be called the Constitution (Amendment) Act, 2004.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new article
16A.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

Right to
work.

"16A. Every able bodied citizen who has attained eighteen years of age shall have the right to get minimum one hundred days employment in a calendar year with such wages as may be prescribed and in the event of failure of the State to provide any employment he shall be provided with an unemployment allowance at such rate for the same period as may be prescribed by law".

STATEMENT OF OBJECTS AND REASONS

Political democracy and freedom and civil liberties without economic security is a farce. It is true that man does not live on bread alone, but it is equally true that man cannot live without bread. Right to life and liberty is meaningless without right to livelihood. Democracy will be a mere mockery, if millions of unemployed youth are left uncared and without any means of livelihood, which may lead to many undesirable consequences like social unrest, terrorism, violence and crime and erosion of ethical values.

Part-III of the Constitution guarantees fundamental rights to the citizens of India. But the fundamental human requirements like right to work does not find the place in the list of Fundamental rights. This Bill seeks to include in the category of Fundamental rights, the basic human requirement of right to work for at least hundred days in a calendar year. The right to work already forms part of the Directive principles of the State Policy in Part-IV of the Constitution, which is mere platitude without enforceability.

After completing fifty six years of our independence, it is high time to make right to work a fundamental right, since it is more fundamental for all human beings. Employment for all will be possible only when the state guarantees jobs to all able-bodied persons. The Constitution, therefore, must guarantee the citizens the right to work.

NEW DELHI;
June 21, 2004.

BASUDEB ACHARIA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that every able-bodied citizen who has attained eighteen years of age shall be provided right to get minimum one hundred days employment in a calendar year with such wages as may be prescribed and in event of failure of the State to provide any employment, he shall be provided with an unemployment allowance at such rate for same period.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees ten thousand crore per annum is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

BILL NO. 27 OF 2004

A Bill to provide for the rehabilitation and financial assistance to the victims of natural calamities such as flood, drought, cyclone, hailstorm and earthquake and for matters connected therewith.

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Victims of Natural Calamities (Rehabilitation and Financial Assistance) Act, 2004.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commissioner" means the Commissioner appointed under section 9;

(b) "Government" means the Central Government;

(c) "natural calamity" includes drought, flood, cyclone, hailstorm, landslide, earthquake, or any such eventuality caused by nature;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "victim" means any person who is physically affected or whose property, livestock, crop, orchard, field or machinery and tools have been affected or damaged by any natural calamity.

3. If any person loses his life due to any natural calamity, the Government shall, on an application made in the prescribed form by his surviving next of kin, pay a minimum sum of rupees one lakh as financial assistance to such next of kin of the victim.

4. (1) If any person is injured due to any natural calamity, the Government shall give him such financial relief as may be prescribed depending upon the nature of injury sustained by him.

(2) In addition to the financial relief referred to in sub-section (1) the victim shall also be entitled to free medical aid from the Government for such period as may be prescribed.

5. Every person whose standing crops are damaged due to any natural calamity shall, on an application made in the prescribed form, be given adequate financial assistance by the Government in proportion to the loss caused to the crop by the natural calamity.

6. (1) The Government shall provide to every family, whose house has been damaged by natural calamity, a dwelling house preferably at the same place.

(2) If damage has been caused by natural calamity to cultivable or other land of any person, the Government shall provide alternative land to such person within a reasonable distance from his residence.

7. Every person who loses his livestock due to natural calamity shall, on an application made in the prescribed form, be entitled to adequate financial assistance from the Government.

8. The Central Government or the Government of a State or a Union territories Administration, in whose territorial jurisdiction any person loses his life due to any natural calamity, shall provide a suitable job to one of the eligible dependents of the person killed in the natural calamity.

9. The Government shall, as soon as may be immediately after the commencement of this Act, appoint a Commissioner with such other staff as may be necessary for settling the claims and disbursing the financial assistance to the victims of natural calamity under this Act:

Provided that the financial assistance shall be disbursed, as soon as may be, but not later than three months of the occurrence of the natural calamity.

10. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force, regulating any of the matters dealt with in this Act.

11. If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order to give such directions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty.

12. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Financial assistance in case of death.

Financial relief and medical aid in case of injury.

Financial assistance for damage to crops.

Provision of housing in case of damage of house and other immovable properties.

Financial assistance for loss of livestock.

Job for the dependent of person killed in natural calamity.

Commissioner to settle claims and disburse financial assistance.

Savings.

Power to remove difficulties.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Our country is prone to various natural calamities such as flood, drought, storm, hailstorm, cyclone and earthquake resulting in extensive damage to life and property. Floods are an annual occurrence in Assam, Bihar, Uttar Pradesh, Madhya Pradesh, Himachal Pradesh, West Bengal, Tripura and other parts of the country. Droughts are very common and frequent throughout the country. Cyclones cause havoc in the coastal areas whereas storms and hailstorms are frequent in hilly areas as well as in the nearby plains. Now the earthquakes and cloud bursts are also occurring frequently. The havoc caused by the October, 1991 earthquake in the hills of Uttar Pradesh and cloud bursts in high hills of Kinnar and Kullu district of Himachal Pradesh are fresh in our memory. We have also not forgotten the extensive damage caused by earthquake in the State of Gujarat in the year 2001. As such, the natural calamities are also responsible for our backwardness. It is so because they cause extensive damage to standing crops, livestock, cultivable lands, roads, bridges, houses and other property apart from taking away precious human lives. The nation has to divert its resources towards rescue and rehabilitation processes and on repairs, restoration and construction of the roads, bridges, fields, buildings, etc. which put a heavy burden on the exchequer. Fortunately, the entire nation rises as one to face such calamities but the loss caused thereby can never be recovered by any means.

Although we cannot stop the occurrence of natural calamities yet with our combined efforts we can certainly minimize the miseries of the victims of such natural calamities by providing them with timely financial relief and extending the rehabilitation programmes to them. As usual, the Central Government has to play the main role in this process. At present there is no law which gives automatic relief to the victims of natural calamities. The States remain dependent on Central Government for providing relief to the victims. Sometimes, delay is caused in rushing relief due to procedural wrangles. Hence it is felt that statutory provision should be made to help the victims of natural calamities instantly. An attempt has been made in this Bill to provide for giving instant relief to the victims of natural calamities.

Hence this Bill.

NEW DELHI;
June 22, 2004.

SURESH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for financial assistance of rupees one lakh to the next of kin of a person who dies in any natural calamity. Clause 4 provides for medical aid to the victims of natural calamity. Clause 5 provides for financial assistance for damage to standing crops. Similarly Clauses 6 and 7 provide for dwelling units and financial assistance for loss of property and livestock respectively. Clause 8 provides for provision of job to one of the dependents of a victim of a natural calamity. Clause 9 provides for appointment of a Commissioner and other staff for settling the claims arising out of natural calamities. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. As the natural calamities cannot be predicted, the recurring expenditure that would be involved cannot be calculated, at this stage. But it is estimated that an expenditure of rupees six hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees sixty lakh would also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As such the matter will relate to detail only, the delegation of legislative power is of a normal character.

BILL NO. 28 OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title,
and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2004.

(2) It shall come into force on such date as the Central Government may, by notification in the official gazette, appoint.

Insertion of
new article
16A.

2. After article 16 of the Constitution, the following article shall be inserted, namely.—

Right to
Employment.

"16A. The State shall provide gainful employment, to every able bodied citizen, who has attained eighteen years of age:

Provided that if the State fails to provide employment to any such person, he shall be given an unemployment allowance till he gets gainful employment on such terms and conditions as may be prescribed by law.".

STATEMENT OF OBJECTS AND REASONS

Unemployment is emerging as a major problem in India. The provisions in the Directive Principles of the State Policy relating to employment to all cannot be fulfilled until it is made a fundamental right of the citizens. The number of identifiable unemployed in India is more than four crores but the State administration has no concern for these unemployed youth which is giving rise to criminal tendency among them and every other day they are either committing suicide or indulging in criminal activities. The incidents of kidnapping for ransom is also on the rise. It is difficult to make social equality a reality unless the problem of unemployment is solved. In such a situation, the State should make its administration frugal and the money saved thereby should be distributed as unemployment allowance so that the youth can be involved in constructive activities.

The Bill seeks to solve this national problem by adding the right to employment in Part—III of the Constitution thereby making it a fundamental right of the citizens.

Hence this Bill.

NEW DELHI;
June 21, 2004.

MOHAN SINGH

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that every able-bodied citizen who has attained eighteen years of age shall be provided with right to employment and in event of failure of the State to provide any employment, he shall be provided with an unemployment allowance at such rate as may be prescribed.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees one thousand crores per annum is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crores is also likely to be involved.

BILL NO. 25 OF 2004

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title,
and
commencement.

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2004.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After Chapter IV of the Representation of the People Act, 1951, the following Chapter and section thereunder shall be inserted, namely:—

43 of 1951.

"CHAPTER IVA BAN ON ELECTION SURVEY

Insertion of
new chapter
IVA.

Ban on poll
survey,
assessment,
etc.

"63. (1) No person shall himself or through any person or organisation conduct or telecast or print or publish or cause to be conducted or telecast or printed or published any pre-poll survey, assessment of voter's view, exit poll survey during any election to the House of the People or Legislative Assembly of a State in any part of the country from the date of notifications issued for such elections till the election process is over.

(2) Any person who contravenes any of the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees or with both".

STATEMENT OF OBJECTS AND REASONS

The publication and telecast of re-poll surveys of elections, be it Lok Sabha or Legislative Assembly, have become very common. Since elections are held in several phases, voters participating in the subsequent phases become confused by telecast or publication of such surveys or exit polls, etc. Generally, result of such surveys, assessments or exit polls telecast prove to be untrue because many of the institutions engaged in such work are sponsored by the political parties themselves. This has rendered the Representation of People's Act, 1951, which stresses upon the secrecy of polls, completely void. So far as ensuring the principle of secrecy of polling is concerned, the telecast and publication of survey reports or post-election description of the proportion of votes a party is getting, through exit polls goes against the spirit of section 94 of the Act. Therefore, it is necessary to put a blanket ban on such pre-election surveys and exit polls through enactment of a law.

Hence the Bill.

NEW DELHI;
June 22, 2004.

MOHAN SINGH

BILL NO. 26 OF 2004

A Bill to establish and maintain a teaching and residential University at Allahabad and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title,
and
commencement.

Establishment
of a
University at
Allahabad.

1. (1) This Act may be called the University of Allahabad Act, 2004.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be established and maintained a teaching and residential University at Allahabad (hereinafter referred to as the University) by the Central Government.

3. (1) The President of India shall be the Chancellor of the University.

(2) The Chancellor of the University shall appoint such person as Vice-Chancellor as he may deem fit and appoint such other Officers as may be required.

4. (1) The Central Government may, by notification in the Official Gazette, make rules for the efficient functioning of the University.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the terms and conditions of service of Officers of the University;
- (b) appointment of authorities of the University;
- (c) provision of instructions in such branches of learning as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;
- (d) the institution of Principalships, Professorships, Readerships, Lecturerships, and other teaching or academic posts required by the University and to appoint persons to such Principalships, Professorships, Readerships, Lecturerships or other posts;
- (e) creation of administrative, ministerial and other posts and appointments thereto; and
- (f) performance of all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

Officers of
the
University.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

The Allahabad University is one of the oldest Universities of the country. The Uttar Pradesh Government took over the control of the University in 1961. The University is facing acute financial crisis. As the State of Uttar Pradesh itself is reeling under acute shortage of resources, it has not been able to help the Allahabad University. The Central Government had earlier proposed that those Universities which have completed one hundred years should be converted into Central Universities so that they could make greater contribution in the field of education.

Accordingly, it is proposed to convert Allahabad University into a Central University. Hence this Bill.

NEW DELHI;
June 22, 2004.

MOHAN SINGH.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment and maintenance of the Central University at Allahabad. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of expenses in connection with the proposed University. It is estimated that a recurring expenditure of about rupees ten crores per annum is likely to be involved.

No non-recurring expenditure is likely to be involved in as much as only the existing University is converted into a Central University.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

G. C. MALHOTRA,
Secretary-General.